



Iowa Department of Human Services

Terry E. Branstad
Governor

Kim Reynolds
Lt. Governor

Charles M. Palmer
Director

INFORMATIONAL LETTER NO. 1049

DATE: September 29, 2011

TO: Iowa Medicaid Habilitation, Remedial Services and Home and Community Based Services (HCBS) Waiver Providers (Excluding Individual CDAC)

ISSUED BY: Iowa Department of Human Services Iowa Medicaid Enterprise (IME)

SUBJECT: Background Checks and Mandatory Reporter Training

******* This letter replaces Informational Letter No. 1005 dated May 19, 2011*******

The Iowa Department of Human Services Iowa Medicaid Enterprise would like to clarify specific service requirements as set forth in the Iowa Code and Iowa Administrative Code. These specific requirements are set forth below:

Pursuant to Iowa Code 249A.29 and Iowa Code 135C.33(5)(a)(1) & (5)(a)(3), all providers of Habilitation, Remedial and Home and Community Based Services (HCBS) waiver services must complete child abuse, dependent adult abuse and criminal background screenings before employment of a prospective staff member who will provide care for a member or consumer.

These requirements also apply to staff that are considered independent contractors. Pursuant to Iowa Administrative Code 481—50.9, interpreting Iowa Code Section 135C, an independent contractor is considered to be “employed” for this purpose.

If a prospective staff has a criminal record, child abuse history or dependent adult history based upon the record check results, that prospective staff must have a Department of Human Services (DHS) evaluation pursuant to Iowa Code 135C.33(2) and Iowa Administrative Code 441-ch.119.

The prospective staff member may not provide any services pending the outcome of the required background screenings, including the evaluation and approval from DHS when there have been any criminal or abuse findings.

Providers and contracting entities are required to check the program exclusion status of individuals and entities prior to entering into employment or contractual relationships. To determine whether an individual or entity is excluded; search the Department of Health and Human Services Office of Inspector General (HHS-OIG) website at: www.exclusions.oig.hhs.gov. An excluded individual or an entity employing or contracting with an excluded individual that submits a claim for reimbursement to a federal health care program or causes such a claim to be submitted, may be subject to civil money penalties and

other damages for each item or service furnished during the period that the person or entity was excluded (section 1128A(a)(1)(D) of the Social Security Act).

Providers should search the HHS-OIG website monthly to capture exclusions and reinstatements that have occurred since the last search. Claims paid by the Medicaid program for services rendered by an excluded individual or entity could be subject to repayment. For additional information, refer to Informational Letter No. 1001.

Pursuant to Iowa Code Section 232.69(1)(b)(12)-(13), any employee providing Remedial Services, Habilitation or HCBS waiver services to a child is a mandatory child abuse reporter. Pursuant to Iowa Code Section 232.69(3)(b), staff must complete two hours of training relating to child abuse within 6 months of initial employment involving children on a regular basis and must obtain a statement of the abuse reporting requirements within one month of employment from the employer. In addition, staff must complete at least two hours of additional child abuse identification and reporting training every five years.

Pursuant to Iowa Code Section 235B.3(2) any employee providing services to a dependent adult is a mandatory dependent adult abuse reporter. Pursuant to Iowa Code 235B.16(5)(b), staff must complete two hours of training relating to dependent adult abuse within 6 months of initial employment involving dependent adults on a regular basis and must obtain a statement of the abuse reporting requirements within one month of employment from the employer. In addition, staff must complete at least two hours of additional dependent adult abuse identification and reporting training every five years.

A list of approved curriculum for mandatory reporter training for child and dependent adults can be found at: http://www.idph.state.ia.us/bh/abuse_ed_review_curricula.asp. When enrolling in a curriculum, please remember that the combined curriculum only meets the Home and Community Based Services (HCBS) standards when the staff is a mandatory reporter based upon service of both populations for both child abuse and dependent adult abuse pursuant to Iowa Code 235B.16.

Failure to follow these requirements could result in recoupment, sanctions and/or termination of your contract to provide services based upon the Iowa Administrative Code 441-79.2. Please be advised that this is not a complete listing of the legal requirements to provide services in the State of Iowa. You are required to comply with all state and federal laws pursuant to your provider agreement with the IME.

If you have any questions, please contact your area HCBS Specialist. A full list of Specialists assigned by region can be found at: http://www.ime.state.ia.us/docs/HCBS_SpecMap.pdf. A full list of Specialists assigned by county can be found at: http://www.ime.state.ia.us/docs/HCBS_Specialists.pdf.

Additional resources are available online at:
http://www.ime.state.ia.us/HCBS/HCBS_FAQs.html.